

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Cyprus Amax Minerals Company,

Plaintiff,

Case Number: 11-CV-252-CVE-FHM

vs.

Proceeding: Civil Non-Jury Trial

Date: 2/26/2018 to 3/2/2018

Total Time: 24 Hrs 16 Min

TCI Pacific Communications, LLC,

Defendant.

MINUTE SHEET - CIVIL NON-JURY TRIAL

Claire V. Eagan, U.S. District Judge D. Holland, Deputy Clerk Court Reporters: Greg Bloxom and Brian Neil

Counsel for Plaintiff: **John Stoviak, Cathleen Devlin, and Reid Robison**
(Technician Alan Kauffer)

Counsel for Defendant: **Mark Coldiron, Paula Jantzen, and Paul Steinman**
(Corporate Representative Jeff Groy, Paralegal Melissa Keplinger, and Technician Greg Robinson)

Appears in person: ☒ Pltf. ☒ Deft. ☒ Parties announce ready

Opening Statements on 2-26-2018: (20" each side with 3" warning) ☒ Pltf. ☒ Deft. ☐ Rule is invoked ☐ Deft. defers until close of Pltf. case

☒ Plaintiff presents case in chief with testimony of witnesses on 2-26-2018 through 2/28/2018

Exhibits admitted: ☒ Pltf. ☒ Deft. ☒ Joint Exhibits ☒ Plaintiff rests on 2/28/2018

Motions: (See additional minutes)

☒ Defendant presents case in chief with testimony of witnesses on 2/28/2018 and rests on 3/1/2018

☒ Parties rest ☒ Closing Arguments

Court finds for: ☐ Pltf. ☐ Deft.

☒ Court retains Exhibits ☐ Exhibits returned to Parties

Additional Minutes:

- 2/26/2018 - Defendant's oral motion in limine regarding the recoverability of direct air emissions - **MUA** without prejudice to defendant raising it at the end of the plaintiff's case. With objections from defendant, plaintiff exhibits #536 - #549 are allowed as demonstrative exhibits only and are not admitted. Court will reconvene at 9:00 a.m. on 2/27/2018.
- 2/27/2018 - Defendant's oral motion to strike the portions of Mr. Gravel's testimony on the necessity of costs and the consistency with the National Contingency Plan - **MUA** and to be ruled on as part of the findings and conclusions. Defendant orally moves for the opinions of Dr. Gasparini be stricken since he is an air modeler by professional trade - Court finds Dr. Gasparini is qualified as stated in the record and the motion is **denied**. Court will reconvene at 9:00 a.m. on 2/28/2018.
- 2/28/2018 - Defendant exhibit #654 is allowed as demonstrative exhibit only and is not admitted. Court will reconvene at 9:00 a.m. on 3/1/2018.
- 3/1/2018 - Court addresses closing arguments (20 minutes each side) and proposed findings of fact and conclusions of law with the parties. Defendant rests. Plaintiff presents no rebuttal, although record remains open until 3/2/2018 for admission of exhibits. Court will reconvene at 9:00 a.m. on 3/2/2018 for closing arguments.
- 3/2/2018 - Clarification of admitted exhibits and additional exhibits admitted. Defendant's oral motion for judgment as a matter of law and response from plaintiff taken under advisement. Parties rest. Closing arguments heard. Simultaneous findings of fact and conclusions of law due 4/20/2018. Exhibits retained by the Court.

Court Time					
<u>2/26/2018 - 6'50"</u>	<u>2/27/2018 - 6'29"</u>	<u>2/28/2018 - 6'49"</u>	<u>3/1/2018 -3'00"</u>	<u>3/2/2018 -1'08"</u>	<u>Total Court Time</u>
08:41 - 09:39	08:58 - 10:15	08:54 - 10:02	08:58 - 10:26	09:00 - 10:08	24'16"
09:50 - 11:25	10:33 - 12:32	10:15 - 12:26	10:38 - 11:45		
11:34 - 12:30	01:12 - 02:47	01:14 - 03:01	11:50 - 12:11		
01:03 - 02:28	03:01 - 04:43	03:17 - 05:00	12:48 - 12:52		
02:39 - 04:26					
04:27 - 04:36					
